IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	THOMAS, Leslie James et al.	) Group Art Unit: 3635
Serial No.:	10/518,316	) Examiner: LAUX, Jessica L.
Filed:	15 June 2005	) Confirmation No. 6736
For:	LATTICEWORK PANEL	

PETITION UNDER 37 CFR 1.137(b) TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION & RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action mailed 07 May 2008, Applicants request entry and consideration of the following:

Petition under 37 CFR 1.137(b) to revive unintentionally abandoned application, beginning on page 2 of this paper;

Amendment to the Drawings, beginning on page 3 of this paper;

Amendments to the Specification, beginning on page 4 of this paper;

Amendments to the Claims, beginning on page 5 of this paper; and

Remarks, beginning on page 8 of this paper.

PETITION UNDER 37 CFR 1.137(b) TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION

Applicant respectfully petitions, under 37 CFR 1.137(b), to revive application number 10/518,316 as it was unintentionally abandoned. The entire delay in filing the required reply, included herein, from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. A proper response to the outstanding Office Action dated 08 May 2008 is provided herewith. Because this application was filed after 08 June 1995, no terminal disclaimer is required. Please charge any required fees for this Petition, or otherwise concerning the present application, to Deposit Account No. 06-1130 maintained by Applicant's attorney.

AMENDMENTS TO THE DRAWINGS

Please add Figures 4 and 5, included in the attached Supplemental Drawing Sheets, to the current Figures.

AMENDMENTS TO THE SPECIFICATION

Please replace section titled "BRIEF DESCRIPTION OF THE DRAWINGS" with the following:

Various embodiments of the invention will be described with reference to the following drawings, in which:

Figure 1 shows an exploded perspective view of a lattice panel according to an aspect of the invention showing also the frame members.

Figure 2 shows a sectional view of the lattice panel and the frame member.

Figure 3 shows a sectional view of a frame member.

Figure 4 is an exploded schematic view of a lattice panel with one first member and three second members.

Figure 5 is a cross-sectional view of a second member according to an embodiment with internal reinforcing.

AMENDMENTS TO THE CLAIMS

Please replace the claims with the following listing:

1.(Currently Amended) A latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising at least one first hollow lattice member disposed in a first direction and at least one second lattice member disposed in a second direction with a pair of ends, and at least one passage located in the at least one first lattice member through which the at least one second lattice member passes such that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member, the passage having a periphery which extends ~~substantially~~ about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member.

2. (Original) The latticework panel according to claim 1 wherein the lattice members are manufactured from metal.

3. (Original) The latticework panel according to either claim 1 wherein, the lattice members have a round, oval or polygonal cross-sectional shape.

4. (Original) The latticework panel according to claim 1 wherein each lattice member is tubular in construction.

5. (Currently Amended) The latticework panel according to claim 1 wherein each at least one first lattice member has a plurality of said passages spaced along its length.

6. (Original) The latticework panel according to claim 1 wherein each second lattice member is disposed substantially at right angles to the at least one first lattice member to form a two-dimensional panel.

7. (Currently Amended) A latticework panel comprising a plurality of lattice members arranged in a network, the plurality of lattice members comprising at least one first hollow lattice member disposed in a first direction and at least one second lattice member disposed in a second direction with a pair of ends, at least one passage located in the at least one first lattice member through which the at least one second lattice member passes such that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member, the passage having a periphery which extends ~~substantially~~ about the at least one second lattice member wherein the at least one second lattice member contacts the at least one first lattice member at the periphery of the passage and at no other portion of the at least one first lattice member and at least one frame member to which at least some of the lattice members are attached.

8. (Original) The latticework panel according to claim 7 manufactured from metal.

9. (Original) The latticework panel according to claim 7, wherein the frame member extends entirely about the latticework.

10. (Original) The latticework panel according to claim 7 wherein the frame member comprises a spine portion and two flange members extending from the spine portion to define a first recess and either the at least one first or at least one second lattice member are received between the two flange members.

11. (Original) The latticework panel according to claim 10 wherein, each frame member comprises a second recess located between the spine portion and the flange members, to accommodate a fly screen member adjacent the lattice panel.

12. (Original) The latticework panel according to claim 1 wherein the lattice members are manufactured from plastics material.

13. (Original) The latticework panel according to claim 1 wherein at least one second lattice member is provided with at least one internal reinforcing member.

14. (Original) The latticework panel according to claim 13 wherein the at least one internal reinforcing member is an elongate member extending substantially the length of the at least one second lattice member.

REMARKS

In an Office Action dated 07 May 2008, the Examiner objects to the drawings under 37 CFR 1.83(a), reasoning that the drawings must show every feature of the invention specified in the claims. Thus, the internal reinforcing member of the second member and a second lattice member that contacts the first lattice member at the periphery of the passage and at no other portion, must be shown. In response Applicant submits new Figures 4 and 5, included herein. Figure 4, depicts a first lattice member with passages therein through which a second lattice member (of which three are illustrated) extend, contacting the first lattice member at the periphery of the passage and at no other portion. Figure 5, illustrates the internal reinforcing member of the second member.

Claims 1-14 are pending in the current application. The Examiner rejects claim 5 under 35 USC 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner takes issue with the term "said passage", stating it is unclear as to whether one or both members have a passage. In response, claim 5 has been amended herein to include the wording:

> "wherein each *at least one first* lattice member has a plurality of said passages spaced along its length." Emphasis Added

Applicant believes this clarifies the problematic phrase. Withdrawal of the Examiner's 35 USC 112, second paragraph rejection, is respectfully requested.

The Examiner also rejects claims 1-10 and 13-14 under 35 USC 102(b) as being anticipated by Lee (US Patent Number 6085481). Furthermore, the Examiner rejects claims 11 and 12 under 35 USC 103(a) as being unpatentable over Lee. However, independent claims 1 and 7, as amended herein, include limitations not taught or

suggested by Lee. Thus, these claims, and the remaining claims depending therefrom, are allowable over Lee. The Examiners 35 USC 102(b) and 103(a) rejections will now be addressed in detail.

In general, Applicant's invention concerns a latticework panel configured without rivets or other fasteners that is suitable for use in a security situation. This is accomplished by generally providing a plurality of lattice members disposed in a first direction, a plurality of lattice members disposed in a second direction, and plurality of passages located on the lattice members disposed in the first direction. The lattice members disposed in a second direction are configured to pass *through* a plurality of corresponding passages located on multiple first direction lattice members. In this advantageous configuration a slim lattice panel may be formed with a relatively simple assembly, a minimal number of pieces, and a high strength to weight ratio. Lee does not teach lattice members extending *through* the passages as disclosed by Applicant.

Turning now in detail to amended claim 1, the advantageous construction as discussed above is outlined in the claim. Importantly claim 1 recites a latticework panel comprising:

> "*at least one passage located in the at least one first lattice member through which the at least one second lattice member passes* such that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member" Emphasis Added

At least this quoted limitation of claim 1 is not taught nor suggested by Lee. Accordingly, the claim is novel and unobvious.

Examining Lee in greater detail, the reference seeks to provide a grille for a door or window that can be assembled without welding, so as to minimize labor and work time and to maintain the grille's sense of beauty. In reference to Fig 1, Lee attempts to accomplish this objective by generally providing a rectangular metal frame (comprising

main vertical metal tubes 2 and main horizontal metal tubes 1), a plurality of transverse metal tubes 3 (containing through holes 31), a plurality of longitudinal metal tubes 4 (arranged in rows), and a plurality of screw bolts 111 (with respective lock nuts 112). Lee's configuration teaches that each interior vertical row is made up of multiple longitudinal metal tubes 4 abutting each other in through holes 31. Furthermore, Lee's configuration necessitates the use of screw bolts and lock nuts to hold the grille together.

> "When assembled, the longitudinal metal tubes 4 of the same row are *abutted against one another end to end in the through holes* 31 on the transverse metal tubes 3." Column 2, lines 32-34, Emphasis Added

> "A plurality of screw bolts 111 are respectively inserted through the through holes 11 on the main horizontal metal tubes 1, the through holes 31 on the transverse metal tubes 3 and the longitudinal metal tubes 4, and then respectively screwed up with a respective lock nut 112 *to fix the main horizontal metal tubes 1, the transverse metal tubes 3 and the longitudinal metal tubes 4 together.*" Column 2, lines 23-30, Emphasis Added

The Examiner contends that Lee discloses at least one passage 31 located in the at least one first lattice member through which the at least one second lattice member passes. However, as shown above Lee's construction requires the second lattice member to only pass *partially into* passage 31 as opposed to Applicant's configuration requiring *through* passage of the second lattice member, recited in Applicant's claim 1. Furthermore, Lee's construction uses multiple second lattice members to form one row, whereas Applicant's configuration allows the second lattice member to comprise a single piece forming the entire row. Lee's use of multiple second lattice members further requires the use of screw bolts and respective lock nuts to secure the structure, as shown above. Applicant's advantageous configuration, allowing for through passage of the second lattice member, does not require the use of screws or bolts to maintain the structural integrity of the latticework panel. Thus, Applicant's Claim 1 is novel and non-

obvious in view of Lee. Accordingly, withdrawal of the respective 35 USC 102(b) rejection is respectfully requested.

Turning now in detail to claim 7, Applicant's advantageous construction as discussed above is outline in the claim. Importantly claim 7 recites a latticework panel comprising:

> "*at least one passage located in the at least one first lattice member through which the at least one second lattice member passes* such that the at least one first lattice member is located along the length of and between the ends of the at least one second lattice member" Emphasis Added

As discussed above, at least these quoted limitations of claim 7 are not taught or suggested by Lee. Accordingly, the claim is novel and unobvious. Withdrawal of the respective 35 USC 102(b) rejection is respectfully requested.

In conclusion, the present invention as defined in independent claims 1 and 7 is novel and inventive in the view of Lee. Withdrawal of the 35 U.S.C. 102(b) rejections is respectfully requested.

As mentioned at the outset, claims 2-6 and 8-14 also stand rejected. However, these claims depend from allowable claims 1, 7, or an intervening claim, and are therefore allowable as well. Withdrawal of the respective §102(b) and §103(a) rejections is respectfully requested.

In sum claims 1-14 are rendered allowable by the current amendments and remarks. Thus, all pending claims are allowable to the Applicant; prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicant's attorneys at the below-indicated telephone number regarding this Response or otherwise concerning the present application.

Please charge any required fees for this Response, or otherwise concerning the present application, to Deposit Account No. 06-1130 maintained by Applicant's attorney.

Respectfully submitted,

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Date: 12 January 2009